

REMARKS

The Examiner is thanked for the due consideration given the application.

Upon entry of this amendment claims 15-29, 32 and 33 are pending in the application. By this amendment claims 30 and 31 are cancelled. Claim 1 has been amended to generally set forth teachings from claims 30 and 31 by reciting "*said stud and said shell are of one piece and integrally formed.*" Allowable claims 21 and 22 have been amended to stand as independent claims by incorporating the subject matter of the base and intervening claim.

Entry of this amendment is respectfully requested because it places the application in condition for allowance.

Statement of Substance of Interview

The Examiner is thanked for graciously conducting a personal interview with the applicant's representative on April 13, 2010. During the interview it was discussed that the stud 11 of the present invention is integral with the shell 1 such that the lining 14 can be snapped on with one hand, such as shown in Figure 2. This was compared to the screwing part 3 of U.S. Patent 5,735,901 (Maumy et al.) which cannot be screwed using a single hand. Claim amendments were proposed that better set forth these features.

At the end of the interview the Examiner prepared an interview summary. The interview summary has been reviewed, and it appears to accurately reflect the substance of the interview.

Rejections Based On Maumy et al.

Claims 15-20,23, and 25-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Maumy et al. (U.S. Patent No. 5,735,901) in view of Willi (US Patent No. 5,549,696).

Claim 24 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Maumy et al. in view of Willi, further in view of Noble et al. (U.S. Patent No. 5,002,580).

The present invention pertains to an acetabular implant cup insert for a joint prosthesis. The present invention is exemplarily illustrated in Figure 2 of the application, which is reproduced below.

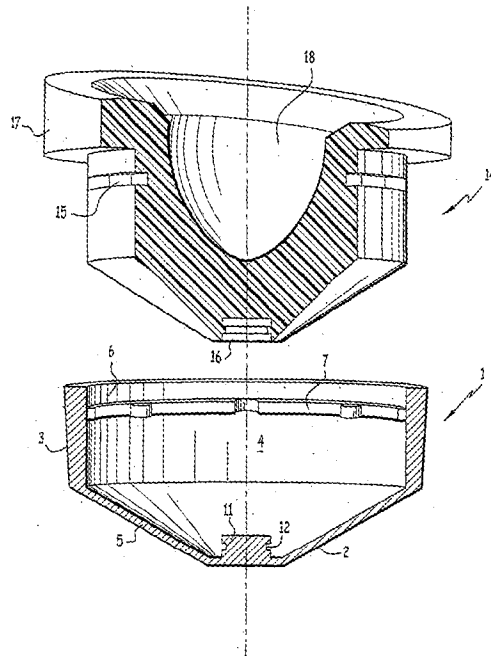
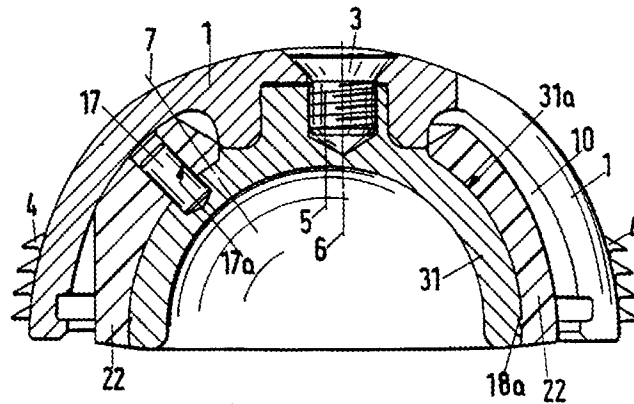


FIG. 2

As can be seen, the stud 11 of the present invention is integral with the shell 1 such that the lining 14 can be snapped on with one hand. This is reflected in instant claim 15 of the present invention, which recites: "*said stud and said shell are of one piece and integrally formed.*"

The Office Action refers to Figure 3b of Maumy et al., which is reproduced below.

Fig.3b



Here, it is clear that the screwing part 3 of Maumy et al. cannot be screwed using a single hand.

Willi is used for teachings pertaining to a polymeric insert lining. Noble et al. is used for teachings pertaining to the use of ceramics as a liner. However, these teachings of Willi and Noble et al. do not address the deficiency of Maumy et al. in teaching or inferring an integrally formed stud and shell formed of one piece, as in the present invention.

One of ordinary skill and creativity would thus not produce a claimed embodiment of the present invention from a

knowledge of the applied art, and a prima facie case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Goozner/
Robert E. Goozner, Reg. No. 42,593
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REG/jaa